UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

TOTAL FIRE PROTECTION, INC.

Employer

and

Case 18-RC-096195

ROAD SPRINKLER FITTERS LOCAL UNION NO. 669, U.A., AFL-CIO

Petitioner

DECISION AND ORDER

The National Labor Relations Board has considered challenges and objections to a mail ballot election held between February 22, 2013 and March 6, 2013, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 5 ballots cast for and 8 ballots cast against the Petitioner, with 2 void ballots and 9 challenged ballots, a sufficient number to affect the results.

No exceptions have been filed to the Regional Director's report within the time provided. Accordingly, the Board adopts the Regional Director's findings and recommendations.¹

¹ In light of the Petitioner's withdrawal of its challenges to the ballots of Zachary Kieffer and Timothy Mashek, the Regional Director directed that their ballots be opened and counted. The Regional Director sustained the challenges to the ballots of Adam Lind and Steve Stanton. The Regional Director was unable to determine the voting eligibility of Jeff Lewison, Cody Schmidt, David McGuire, Bruce Medema, and James Moss. Accordingly, he recommended that their ballots remain unopened pending the opening and counting of the above ballots, and that their eligibility be determined, if needs be, in a hearing.

With respect to the objections, the Regional Director approved the Petitioner's withdrawal of Objections 4 and 5, and he concluded that the remaining Objections 1-3 raised substantial and material issues of fact and law, which can best be resolved by a hearing.

ORDER

IT IS ORDERED that this proceeding is remanded to the Regional Director for
Region 18 for further appropriate action consistent with his report.
Dated Washington D.C. April 10, 2012

Dated, Washington, D.C., April 18, 2013.

By direction of the Board:

/s/Farah Z. Qureshi

Associate Executive Secretary